

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHERYL SLIGER, as Administratrix of the
Estate of Paul Eugene Sliger, and Individually
and In Her Own Right;

Plaintiff,

vs.

AG SOLUTIONS GROUP, LLC; AG
SOLUTIONS GROUP, LLC.; AG
SOLUTIONS, INC.; RIGGINS AG
EQUIPMENT, LLC.; BEHNKE
ENTERPRISES, INC.; MOVEERO, INC.;
GKN ARMSTRONG WHEELS, INC.; and
GKN WHEELS AND STRUCTURES;

Defendants.

8:22CV06

ORDER TO SHOW CAUSE

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed the Complaint on January 6, 2022. ([Filing No. 1](#)).¹ More than 90 days has elapsed since the Complaint was filed. To date, Plaintiff has not filed any return of service or signed waiver indicating service on the defendant, Ag Solutions, Inc.; Ag Solutions, Inc. has not entered a voluntary appearance or otherwise appeared; and Plaintiff has not requested an extension of time to complete service upon Ag Solutions, Inc.² Accordingly,

¹ Plaintiff’s Amended Complaint ([Filing No. 3](#)) filed on January 7, 2022, did not reset the 90-day service clock as to defendants named in the original complaint. See *Lee v. Airgas Mid-S., Inc.*, 793 F.3d 894, 898 (8th Cir. 2015) (filing an amended complaint does not reset the 90-day clock under Fed. R. Civ. P. 4(m) for defendants named in the original complaint). Regardless, more than 90-days has elapsed since the Amended Complaint was filed.

² The three other named Ag defendants—Ag Solutions Group, LLC, Riggins Ag Equipment, LLC and Ag Solutions Group, LLC d/b/a Riggins Ag Equipment—jointly filed an answer in which they represent, “These answering Defendants have no connection to or with Ag Solutions, Inc., nor have they ever done business as Ag Solutions, Inc.” ([Filing No. 14 at p. 3](#)); see also [Filing No. 28 at p. 4](#) (“Ag Solutions Group, LLC, has no connection with what the Amended Complaint describes as “Ag Solutions, Inc.”). As such, the record does not contain any appearance by Ag Solutions, Inc., and Plaintiff has provided no evidence to the Court that Ag Solutions, Inc., has been served.

IT IS ORDERED that Plaintiff shall have until **May 4, 2022**, to show cause why the defendant, Ag Solutions, Inc., should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or take other appropriate action. The failure to timely comply with this order may result in dismissal of Ag Solutions, Inc. from this action without further notice.

Dated this 20th day of April, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge